IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.967 OF 2004

Shri Arvind R. Bhat & Ors. ... Appellants

V/s.

Mumbai Municipal Corporation & Ors. ... Respondents

Mr.Y.S. Jahagirdar i/b R.S. Dwivedi for Appellants
Mr.J.Xavier for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **NOVEMBER 24, 2004**

P.C.:

. This Appeal from Order has become infructuous as on 5.11.2004 at 10 am the Mumbai Municipal Corporation has already demolished the gate, cabin as well as barbed wire fencing from both the ends of the D.P. Road. It appears that an undertaking was given by the Secretary of the Malad Industrial Unit Co-operative Society Limited to hand over the said D.P. Road to the Municipal Corporation without asking for any cash compensation and to claim the benefit of FSI in lieu thereof.

2. Since the demolition has already taken effect and the D.P. Road has been taken over by the M.M.C. the Appeal from Order has become infructuous.

3. Mr.Jahagirdar, learned Counsel appearing for the Appellants, submits that the MMC should process their proposal contained in their architect's letter dated 5.5.2004, expeditiously. Mr.Xavier, learned Advocate appearing for the Corporation, states that the proposal which is under consideration will be disposed of within four weeks after all the requisitions are complied with by the Architect of the appellants.

4. Appeal from Order stands disposed of.

5. In view of the Appeal from Order being disposed of, nothing survives in Civil Application No.1347 of 2004 and the same is disposed of accordingly.